

ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FILED/ACCEPTED

JAN 25 2007

Federal Communications Commission
Office of the Secretary

In the Matter of)
)
Amendment of Section 73.202(b)) MB Docket No. _____
Table of Allotments) RM- _____
FM Broadcast Stations)
(Butte Falls and Netarts, Oregon))

To: Office of Secretary
Attn: Assistant of the Chief, Audio Division
Media Bureau

PETITION FOR RULEMAKING

Oregon Radio Partners, LLC ("Petitioner") hereby submit the instant Petition for Rulemaking to amend the FM Table of Allotments in order to further the Commission's allotment priorities as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Butte Falls, OR		290A
Netarts, OR		232C3

Background:

This Petition for Rulemaking is filed as part of a "hybrid" contingent proposal, involving both this rulemaking proposal and minor change applications. *See Report and Order in MB Docket No. 05-210*, FCC 06-163, released November 29, 2006 at para. 17.

No. of Copies 0+4
Date 1
MB 07-10

Petitioner proposes the allotment of Channel 232C3 to the community of Netarts, Oregon as that community's first local transmission service. This proposal is shortspaced under Section 73.207 of the Commission's Rules to Station KTIL-FM, Tillamook, Oregon. In order to eliminate that shortspacing, Oregon Eagle, Inc. ("Oregon Eagle"), licensee of Station KTIL-FM, has contingently proposed to change its channel from Channel 232C3 to Channel 232C2 at a new antenna site and change its community of license from Tillamook, Oregon to Government Camp, Oregon, as that Community's first local transmission service. Oregon Eagle has filed a 301 Application to make this minor change.

The KTIL-FM proposal is shortspaced to Station KXIX(FM), Bend, Oregon, presently operating on Channel 231C0. In order to eliminate that shortspacing, Oregon Eagle in its 301 Application has requested that the Commission issue an Order to Show Cause to GCC Bend, LLC ("GCC"), licensee of Station KXIX as to why its licensed channel should not be substituted with Channel 225C0 at its current site. Oregon Eagle has stated that it will reimburse GCC for its reasonable expenses in changing KXIX's channel to 225C0.

The KXIX substitution of Channel 225C0 at Bend is, in turn, shortspaced to Station KRXF(FM), Sunriver, Oregon, presently operating on Channel 224C2. In order to eliminate this shortspacing, Oregon Eagle in its 301 Application has requested that the Commission issue an Order to Show Cause to Field Pond Group ("Field Pond"), licensee of Station KRXF as to why its licensed channel should not be substituted with Channel 231C2 at its current site. Oregon Eagle has stated that it will reimburse Field Pond for its reasonable expenses in changing KRXF's channel to 231C2.

The KXIX substitution of Channel 225C0 at its licensed site is also shortspaced to Channel 225A at Butte Falls, Oregon. James D. McDaniel (“McDaniel”) has filed an auction application for the Bend station (BNPH-20060310ACD). McDaniel previously filed his application for Channel 225C3 at Butte Falls, but has amended his application to substitute Channel 225A at Talent, Oregon as that community’s first local FM service.

As part of the contingent “hybrid” proposal, Petitioner also seeks the allotment of Channel 290A at Butte Falls, Oregon, so that Butte Falls may retain a first local broadcast service.

Discussion:

Petitioner has filed 301 Applications for Channel 290A at Butte Falls and Channel 232C3 at Netarts, Oregon. Approval of the entire “hybrid” proposal will result in the assignment of two first services to communities as well as a replacement first service to another community and a first competitive service to another. It will also result in additional service to 260,753 persons over an area of 15,038 kilometers, with a loss area of only 31,167 persons over an area of 4,294 kilometers. Exhibit 1.

Netarts, Oregon

Petitioner proposes to allot Channel 232C3 to Netarts, Oregon. As demonstrated by the attached channel study, Channel 232C3 can be allotted to Netarts in compliance with the Commission’s spacing rules if KTIL-FM changes to Channel 232C2 at a new site. A 70 dBu signal can be provided to Netarts from the proposed reference point. Exhibit 2. The allotment reference coordinates will provide a direct unobstructed “line of sight” path to the community of Netarts. Exhibit 2. As noted above, Petitioner has filed a 301 Application specifying the new channel and it will construct its facilities when that

application is granted. Netarts is a community for allotment purposes. It is a Census-Designated Place, located in Tillamook County and listed in the 2000 U.S. Census with a population of 744 persons. It is, therefore, presumed to have the status of a community for FCC allotment purposes. *See Arnold and Colombia, California*, 7 FCC Rcd 6302 (1992).

Netarts is located just off US Highway 101, a short distance from Tillamook. Netarts is the gateway to Netarts Bay where fishing and crabbing are common. Renowned as one of the most beautiful areas on the Oregon Coast, Netarts is an excellent place to rest, relax and enjoy the scenery and wildlife of the Pacific coastline.

The earliest reference to Netarts was in 1841 when Reverend John H. Frost, Solomon H. Smith and Lewis Taylor, from the Mission at Clatsop Plains, traversed the east side of Netarts Bay, proceeding over Cape Lookout, and around Sandlake en route to the Willamette Valley.

In 1853, Tillamook County was created by the Oregon Territorial Legislature. In 1859 Oregon was admitted as a state. The Federal Homestead Act was passed in 1862 and that same year witnessed the first Donation Land Claim on the Netarts Spit. The first settlement of the Netarts Bay was made in the fall of 1863. In 1867 the first house was built in the Netarts area. The first post office opened in Netarts on October 9, 1871.

In 1906, George W. Phelps built the first store in Netarts, just west of Happy Camp. The oldest still-standing structures in the Netarts area were erected in the 1920's.

The U.S. Postal Service has assigned a zip code, 97143, to Netarts. A number of businesses are located in Netarts, including Netarts Grocery, Netarts Table Factory, The Terrimore, Lodging by the Sea, Edgewater Motel and Vacation Rentals, Sea Lion Inn,

Surf's Up Salon and Day Spa, Happy Camp Resort, Netarts RV Park, Big Spruce RV Park and Marina, 101 Business Brokers, Banks Construction, Three Capes Vacations, Converse Vacation Rental, Netarts Cottages by the Sea, Land's End Concrete, New West Welding, T.P. Freight Lines, Inc. and Prudential Northwest. Exhibit 3.

Butte Falls, Oregon

Petitioner proposes to allot Channel 290A to Butte Falls, Oregon. As demonstrated by the attached channel study, Channel 290A can be allotted to Butte Falls in compliance with the Commission's spacing rules and a 70 dBu signal can be provided to Butte Falls from the proposed reference point. Exhibit 4. The allotment reference coordinates will provide a direct unobstructed "line of sight" path to the community of the Butte Falls. Exhibit 4. As noted above, Petitioner has filed a 301 Application specifying the new channel and it will construct its facilities when that application is granted. Butte Falls has already been determined by the Commission to be a community for allotment purposes. It is incorporated with a 2000 U.S. Census population of 439 persons. It is governed by a mayor and town council and has been assigned the zip code, 97522. Butte Falls also has its own school district and library.

Conclusion:

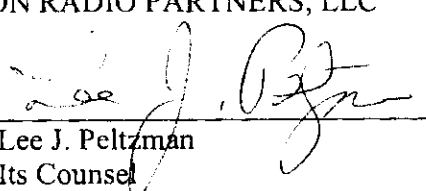
The Commission should promptly issue a Notice of Proposed Rulemaking proposing the allotment of Channel 290A at Butte Falls, Oregon and Channel 232C3 at Netarts, Oregon as proposed herein. Moreover, the Commission should approve the

“hybrid” application/rulemaking proposal which will result in the provision of first local services to Netarts and Government Camp, Oregon, a replacement first service to Butte Falls, Oregon, and a first FM service to Talent, Oregon.

Respectfully submitted,

OREGON RADIO PARTNERS, LLC

By: _____


Lee J. Peltzman
Its Counsel
Shainis & Peltzman, Chartered
1850 M Street, NW
Washington, DC 20036

Date: January 25, 2007

Technical Narrative

Overview

Six changes to the FM Spectrum are proposed. Two are minor changes and two are new allotments. For each a Form 301 is being concurrently filed. Finally, two changes require involuntary channel changes to operating facilities.

This "hybrid" proposal contemplates first local services at Government Camp, Oregon and at Netarts, Oregon. By the reassignment of two operating FM stations (KXIX-FM, Bend, Oregon and KRXF, Sunriver, Oregon) to new channels with no change in power or coverage, it is possible to provide service to the previously unserved communities. The remaining changes to the Spectrum either accommodate the reassignments or preserve service and listener choice for the future in areas where signals are proposed to be moved or modified.

The proposal is described in the entirety for the convenience of the FCC staff but the actual requests, to the extent they require the simultaneous, indexed filing of minor change applications, are made by the applications themselves unless otherwise directed by the Report and Order in Docket 05-210.

I. NEW 232C3 Netarts, OR

Upon modification of KTIL-FM to Government Camp, Oregon, it is possible to allot a NEW 232C3 at coordinates 45° 27' 56" North Latitude, 123° 58' 11" West Longitude thus providing the community of Netarts with a first local aural service. Netarts is a Census Designated Place and home to some 744 persons. This new allotment is included in the remaining services study for the modification of KTIL-FM. The modification of KTIL-FM and the grant of this new allotment result in the creation of only one new area of reduced service. In this area only four interference free services (where previously there were five) are available to 22 persons in this area of 20.8 square kilometers.

A form 301 and associated exhibits is being prepared and filed concurrently with this petition pursuant to the Report and Order in Docket 05-210.

II. Modification of KTIL-FM from Tillamook, OR to 232C2 Government Camp, OR

KTIL-FM 232C3 Tillamook, Oregon seeks to be modified to channel 232C2 as a new first local transmission service to the community of Government Camp, Oregon. The proposed reference site of 45° 20' 01" North Latitude 121° 42' 45" West Longitude for KTIL is mutually exclusive with the licensed facility of KTIL. This modification, along

with the other changes described in this "hybrid" proposal, are compliant with all the requirements of 47CFR §73.207 and 47CFR §73.315.

The Tillamook and Government Camp allotments share no overlap of hypothetical interference free service. Reallotment would provide a gain of 95,174 persons in an area of 8,530 square kilometers. The loss area is 2,637 square kilometers and contains 24,041 persons. The majority of the loss area receives five or more services, provided the herein proposed 232C3 is allotted at Netarts, OR.

III. Change Channel of KXIX-FM to 225C0 Bend, OR

Channel 225C0 can be assigned in compliance with 47CFR §73.207 at the licensed KXIX site, with the exception of two short spacings. One of these short spacings is to licensed site of KRFX 224C2 at Sunriver, OR. The other is to the pending application for channel 225C3 at Butte Falls, OR. These short spacings are eliminated by subsequent changes put forth within this hybrid proposal. No hypothetical coverage or line of sight exhibits are provided for this channel substitution, as it is proposed to substitute 225C0 at the present licensed site of KXIX. This "hybrid" proposal seeks the licensee of KXIX-FM to show why 225C0 should not be substituted for the licensed 231C0.

A channel study depicting the proposed channel change is included where appropriate in the forms 301 filed concurrently with this petition pursuant to the Report and Order in Docket 05-210.

IV. Change Channel of KRXF to 231C2 Sunriver, OR

The first short spacing of a related allotment encountered in the channel change of KXIX-FM is channel 224C2 for Sunriver, Oregon. This proposal substitutes channel 231C2 for 224C2 at Sunriver.

No hypothetical coverage or line of sight exhibits are provided for this channel substitution, as it is proposed to substitute 225C0 at the present licensed site of KRXF. This hybrid proposal seeks the licensee of KRXF-FM to show why 231C2 should not be substituted for the licensed 224C2.

A channel study depicting the proposed channel change is included where appropriate in the forms 301 filed concurrently with this petition pursuant to the Report and Order in Docket 05-210.

V. Modification of 225A from Butte Falls, OR to Talent, OR

This "hybrid" proposal proposes the modification of channel 225 from Butte Falls, Oregon to Talent, Oregon. Channel 225 can be allotted as a class A facility in full compliance with 73.207 spacing requirements at 42-18-05 North Latitude 122-44-38

West Longitude. This modification to Talent also complies with all requirements of community coverage. Talent presently has service only from KSJK-AM. This is a class C AM and, like many such facilities, suffers badly from nighttime interference. The NIF for KSJK-AM is approximately 25 mV/m. There is also a pending application for a new AM for Talent. This would be the first FM service for the Talent community.

The modification of Channel 225 from Butte Falls to Talent creates a loss area of 1,657 square kilometers and a gain area of 1,657 square kilometers encompassing 138,706 persons. 7,126 persons would lose service as a result of the reallocation. All of this loss area is well served provided that the proposed NEW 290A at Butte Falls is granted, with five or more full time interference free reception services, with the exception of a small area of four services.

A form 301 and associated exhibits is being prepared and filed concurrently with this petition pursuant to the Report and Order in Docket 05-210.

VI. NEW 290A at Butte Falls, OR

Butte Falls has proposed service from applied for channel 225A. The winning bidder for the Butte Falls Construction Permit, James McDaniel, has sought a one-step upgrade to 225C3. Channel 225 is the sole transmission service to Butte Falls.

In order that Butte Falls retain local service, it is proposed that 290A be allotted to Butte Falls at Latitude 42° 36' 19" Longitude 122° 24' 38". A hypothetical class A facility at the proposed reference site is fully compliant with 47 CFR §73.207 and 47 CFR §73.315.

A form 301 and associated exhibits is being prepared and filed concurrently with this petition pursuant to the Report and Order in Docket 05-210.

Summary

As the foregoing demonstrates, the net result of this hybrid proposal is first local transmission services to two worthy Oregon communities totaling 1,164 persons. No community would suffer the loss of its sole transmission service. Additional interference free service choices would be available to some 260,753 persons in 15,038 square kilometers while only 31,167 persons would experience loss in the loss areas of 4,294 square kilometers. There are no individuals that would be underserved as a result of the plan put forth in this hybrid proposal.

EXHIBIT 1

Summary table of service gains and losses

<u>Station</u>	<u>City</u>	<u>Area Gain(sq. km)</u>	<u>Area Loss(sq. km)</u>	<u>Pop. Gain(2000)</u>	<u>Pop. Loss(2000)</u>
NEW	Netarts, OR	2,334	-	24,013	-
KTIL	Government Camp, OR	8,530	2,637	95,174	24,041
RSV	Talent, OR	1,657	1,657	138,706	7,126
NEW	Butte Falls, OR	2,517	-	2,860	-
Totals		15,038	4,294	260,753	31,167

Net Totals:

Area Gain(sq. km): 10,744

Pop. Gain(2000): 229,586

EXHIBIT 2

NEW - Netarts, OR

REFERENCE

45 27 56 N

123 58 11 W

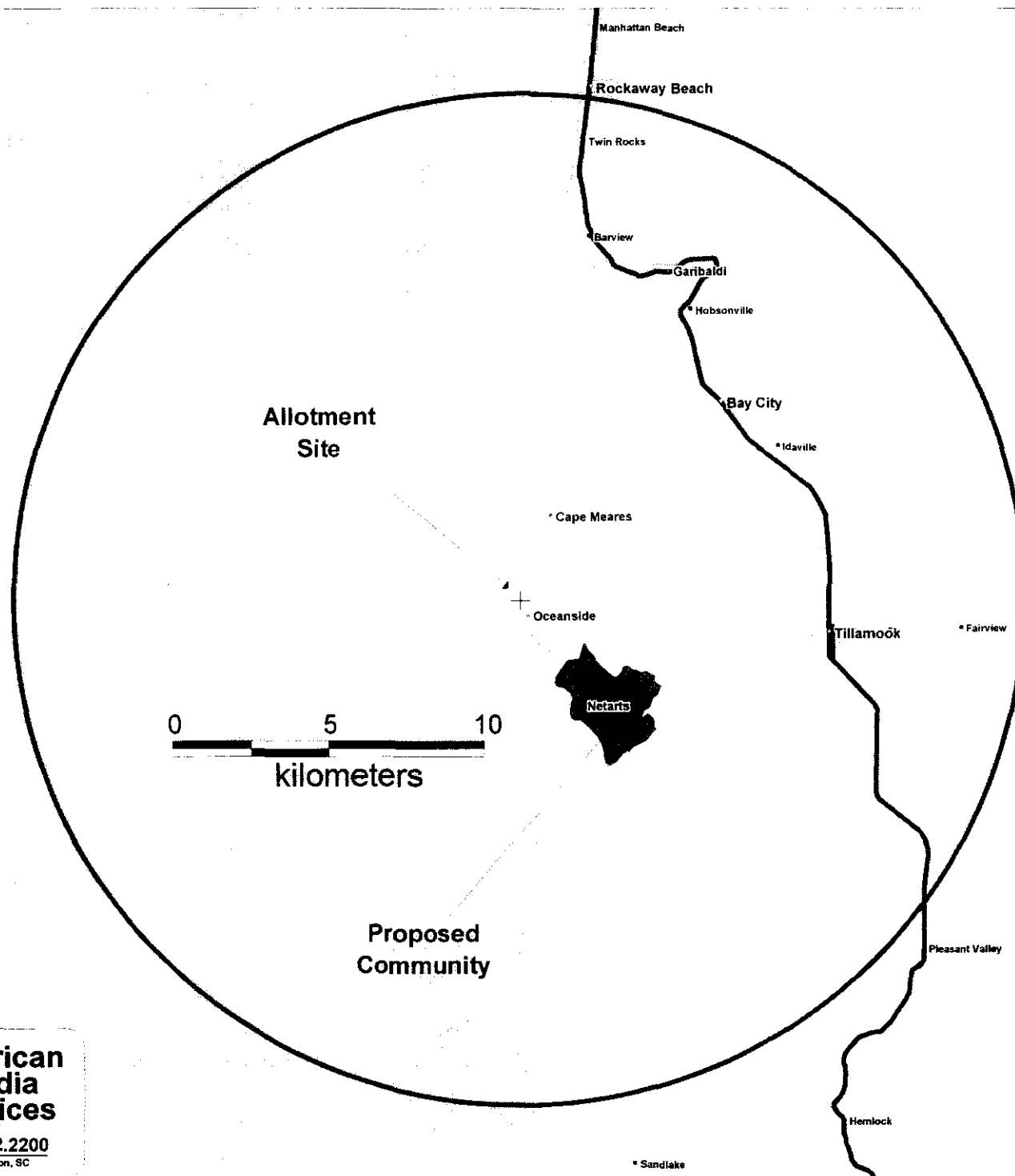
CLASS = C3

Current Spacings

Channel **232** - 94.3 MHz -

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Ant			HAAT		
KTIL-F	LIC	232C3	Tillamook	OR	3.91	88.6	153.0
45 27 59	123 55 11	CX	1.800 kW		357 M		-149.09
		Oregon Eagle, Inc.		BLH20060323ABS			
Proposed Modification to Government Camp, OR							
RADD	ADD	232C3	Tillamook	OR	3.91	88.6	153.0
45 27 59	123 55 11		25.000 kW		100 M		-149.09
New Northwest Broadcasters							
RDEL	DEL	231C3	Tillamook	OR	3.91	88.6	99.0
45 27 59	123 55 11		25.000 kW		100 M		-95.09
New Northwest Broadcasters							
RDEL	DEL	232A	Long Beach	WA	94.53	356.2	142.0
46 18 51	124 03 07		6.000 kW		100 M		-47.47
New Northwest Broadcasters							
KTIL-N		232C2	Government Camp	OR	178.12	92.5	177.0
45 22 24	121 41 52		0.000 kW	0 M			1.12
RDEL	DEL	229C	Portland	OR	99.74	88.1	96.0
45 29 20	122 41 40		100.000 kW		600 M		3.74
New Northwest Broadcasters							
KCBZ.C	CP -N	235C3	Cannon Beach	OR	54.14	2.7	43.0
45 57 08	123 56 14	NEX	7.000 kW-N		92 M		11.14
		Calcomm Stations Oregon Ll		BPH20051007AAE			
KPDQ-F	RSV	230C1	Portland	OR	88.47	83.0	76.0
45 33 25	122 50 42		100.000 kW		299 M		12.47
Salem Media Of Oregon, Inc							
KPDQ-F	LIC-N	230C1	Portland	OR	99.74	88.1	76.0
45 29 20	122 41 40	NC	52.000 kW-N		387 M		23.74
		Salem Media Of Oregon, Inc		BLH20060208AMF			
KMGE	LIC	233C1	Eugene	OR	176.33	157.1	144.0
44 00 04	123 06 45	EN	49.000 kW		396 M		32.33
		Mckenzie River Broadcastin		BLH19970925KE			
KLYK	LIC-Z	233A	Kelso	WA	124.13	42.7	89.0
46 16 49	122 52 34	ZCN	3.000 kW-Z		145 M		35.13
		Bicoastal Longview, Llc		BLH20030305AAA			
RADD	ADD	230C2	Portland	OR	96.83	86.2	56.0
45 30 58	122 43 59		50.000 kW		150 M		40.83
New Northwest Broadcasters							
KNRK	LIC-Z	234C2	Camas	WA	99.74	88.1	56.0
45 29 20	122 41 40	ZCX	6.300 kW-Z		403 M		43.74
		Entercom Portland License,		BLH20030326AIC			

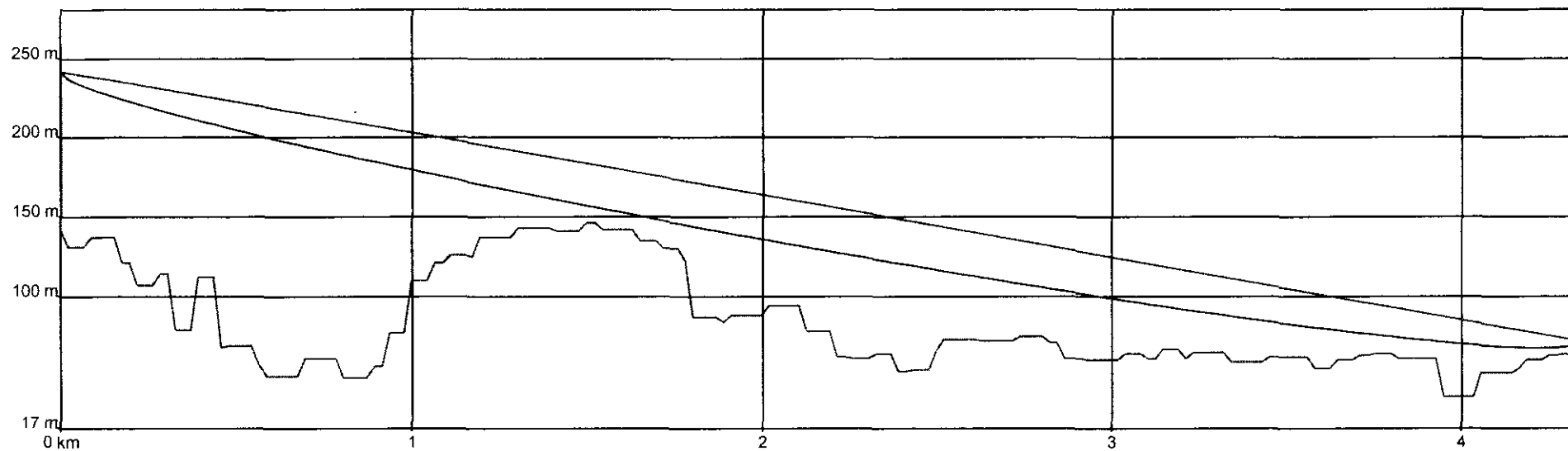
Hypothetical 70 dBu Contour
232C3 Netarts, OR
Coords: 45° 27' 56" N
123° 58' 11" W



**American
Media
Services**
LLC

843.972.2200
Charleston, SC

NEW - Netarts, OR



NEW-232C3

Lat: 45-27-56.0 N
Lon: 123-58-11.0 W
AMSL: 142 m
Tower AGL: 100 m

Netarts, OR

Lat: 45-26-07.7 N
Lon: 123-56-03.2 W
AMSL: 63 m
Tower AGL: 9 m

Profile Info

Distance: 4.34 Km
Bearing: 140.36 deg
of points: 200
K value: 1.333
Frequency: 150.0000
Clearance: 0.6

Losses

Base Loss: 88.7 dB
Fade Margin: N/A
Diffraction: 0.0 dB
Fresnel: 4.9 dB

NEW Area Gained:
Hypothetical Interference Free Contours
GAIN:
NEW - Netarts, OR - 232C3
Coords: 45-27-56 N & 123-58-11 W
Area: 2,334 sq. km
Population: 24,013

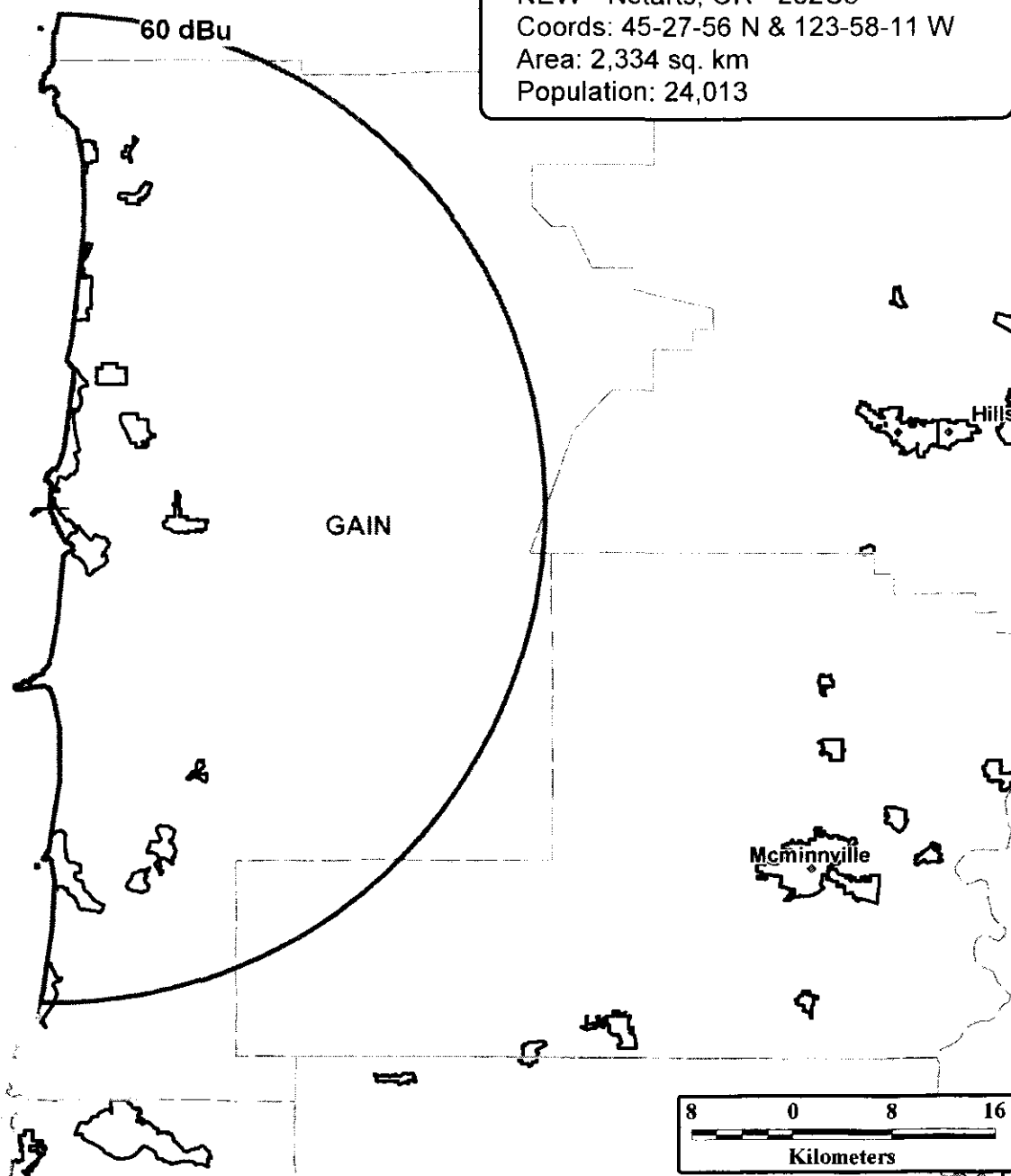


EXHIBIT 3

Census Data and Maps for Netarts, Oregon

Primary Data Source: **Census 2000** [Census Glossary](#)

* **Density** per square mile of land area.

Netarts, Oregon (Tillamook County)

Population: 744	Land Area: 2.62 miles ²
Housing Units: 663	Water Area: 0.00 miles ²
CDP: Census Data	Total Area: 2.62 miles ²
County: Census Data	Population Density: 283.59*
State: Census Data	Housing Density: 252.71*
Maps: Aerial Photo, Regional, Local, Topographical	

Classification: CDP (Census Designated Place)

Population Demographics

Get Demographic Maps/Reports From 2000, 2005 & 2010 Data, Instantly
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Burlington County Offenders Free service with neighborhood maps
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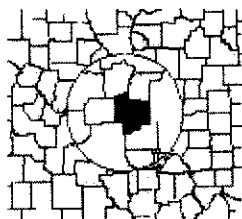
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ZIP Code Business Patterns (NAICS)

2004 Industry Code Summary
ZipCode 97143
NETARTS, OR

CenStats



To see a different year, select one 2004

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Total for ZIP Code 97143

Number of establishments: 7 First quarter payroll in \$1,000: 93


Number of employees: 24 Annual payroll in \$1,000: 436

				Number of Establishments by Employment-size class								
	Industry Code	Industry Code Description	Total Estabs	1-4	5-9	10-19	20-49	50-99	100-249	250-499	500-999	1000 or more
Detail	-----	Total	7	4	3	0	0	0	0	0	0	0
Detail	23----	Construction	4	4	0	0	0	0	0	0	0	0
Detail	72----	Accommodation & food services	3	0	3	0	0	0	0	0	0	0

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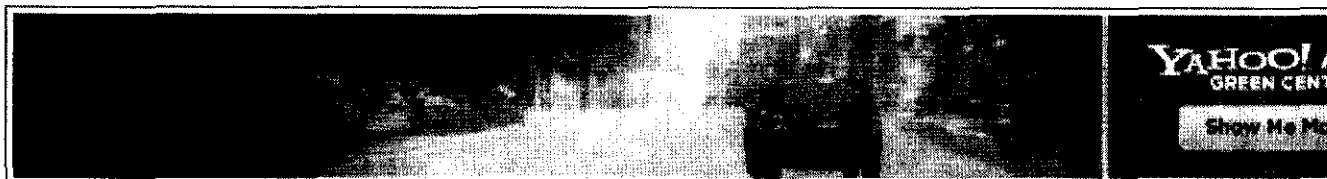
Yahoo! My Yahoo! Mail Make Y! your home page

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Yahoo! Yellow Pages

Your Search:

Search

Search by Category or Business Name (e.g. Hotel or Holiday Inn)

Location: ★

Netarts Cottages By The Sea

Address: PO Box 195, Netarts, OR 97143

Phone: (503) 842-7805

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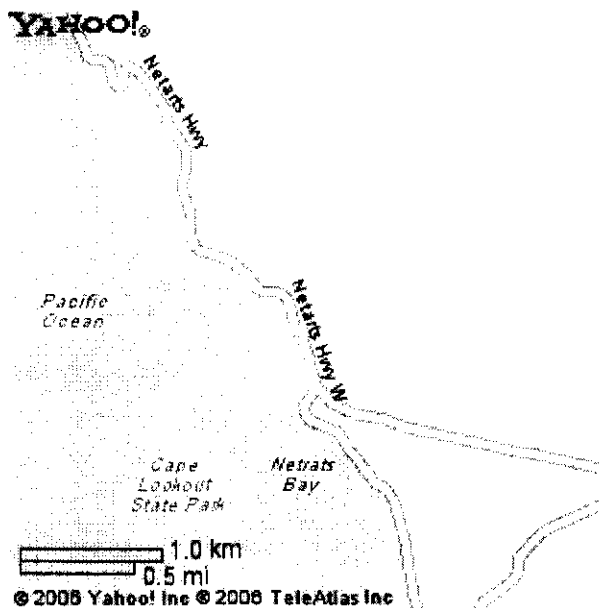
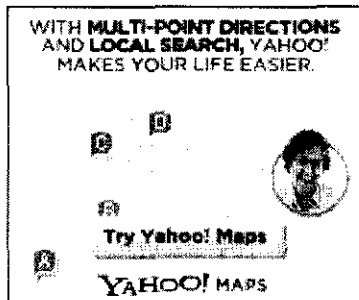
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Businesses Cl

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Netarts, OR 97143

- Restaurants
- Golf Courses
- Department Store
- Entertainment &
- Hotels
- Change to this lo

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Converse Vacation Rental

Netarts, Oregon is 75 miles west of Portland, Oregon and 7 miles west of Tillamook..

Phone: 503-698-2524 - E-Mail: mailto:netartsbay@hotmail.com

Home - General Info - Rates - Map & Directions - Reservation Information

Check Availability Calendar

Welcome to The Converse Vacation Rental

View of Bay from deck



View from the Bay



Outside view



Netarts Beach



Cabin Great Room



Please enjoy your stay at the Converse Vacation Rental.

Home - General Info - Rates - Map & Directions - Reservation Information

Check Availability Calendar

Contact Information: mailto:netartsbay@hotmail.com
Phone: 503-698-2524

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Location: ★

Top > Travel and Transportation > Hotels and Lodging > Other

Terimore Lodging By The Sea

Address: 5105 Crab Ave W, Netarts, OR 97143

Phone: (503) 842-4623

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Related Categories

This listing appears in:

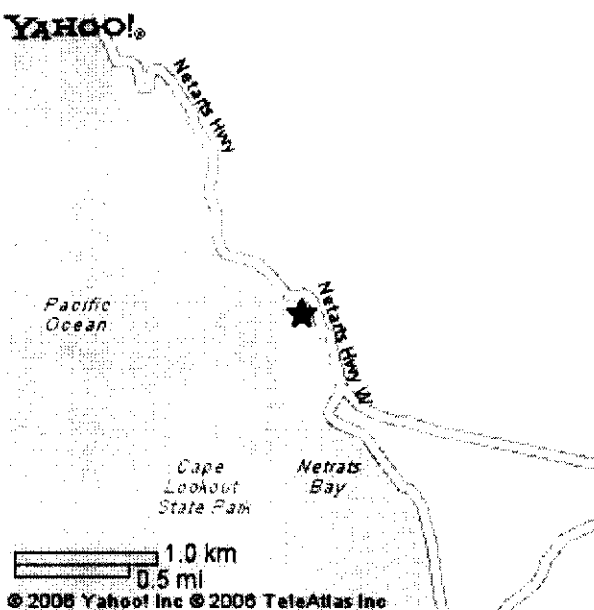
- Hotels and Lodging > Hotels and Motels
- Hotels and Lodging > Other

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- Hotels & Motels

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Interactive Map | Driving Directions



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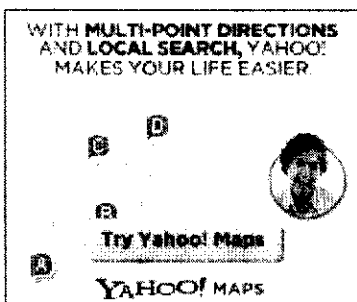
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Sea in Netarts

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Netarts, OR 97143

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- Hotels
- Change to this lo



Sponsor Results (What's this?)

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Web Site

Travelocity Hotels Save on hotel bookings when you search online at Travelocity.com.
Web Site

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The Terimore

Lodging by the Sea
Netarts, Oregon Coast

HOME

RATES

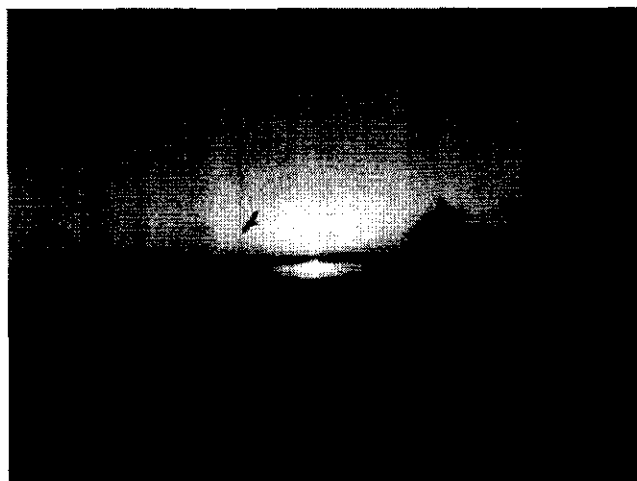
FACILITIES

VIEWS

OREGON COAST

FIN

Renowned as one of the most beautiful areas on the Oregon Coast, Three Capes Scenic Loop is the home of *The Terimore, Lodging by the Sea*. Located off the beaten path in Netarts, Oregon, *The Terimore* rests in the heart of natural scenic beauty. It's an excellent location to rest, relax and enjoy your next escape to the Oregon Coast.



The Terimore

- Spectacular Bay and Ocean Views
- Choose from Cabins, Cottages or Motel Room
- Kitchen units with fireplaces are available
- Color TV with HBO & ESPN
- Direct Dial Phones
- Wireless Internet available in some units

"The gentle rhythm of the surf at bayside draws ripples of an evening summer sunset to your sand covered feet. Knowing you have set aside this time you stand gazing at the changing patterns of evening while pelicans frolic among the laughing seagulls...you watch them play and glide in the bracing, misty ocean breeze."

- The Terimore, Lodging by the Sea



- Top of Page -



The Terimore • 5105 Crab Avenue • Netarts, Oregon 97143
1-800-635-1821 or 503 842-4623
E-mail terimore@oregoncoast.com

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Address: 1020 1st St, Netarts, OR 97143

Phone: (503) 842-1300

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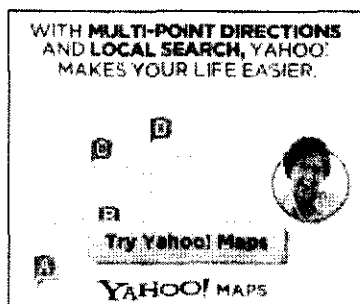
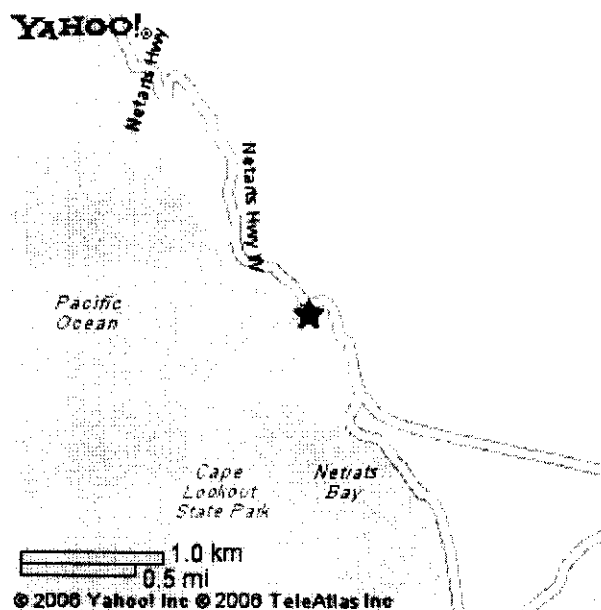
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